

MONTANA LEGISLATIVE HISTORY

Chapter 360 19 91

Bill H _____ S 165 Original bill & history ✓ C

H. Committee on Nat. Res.

Hearing Date(s) 3-6 ✓ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Natural Res.

Hearing Date(s) 2-01 ✓ C

2-06 ✓ C

_____ C

_____ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

SENATE FINAL STATUS

SB 165

2/01	COMMITTEE REPORT—BILL PASSED		
2/01	PLACED ON CONSENT CALENDAR		
2/05	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/06	FIRST READING		
2/06	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
3/08	COMMITTEE REPORT—BILL CONCURRED		
3/08	PLACED ON CONSENT CALENDAR		
3/11	3RD READING CONCURRED	93	6
	RETURNED TO SENATE		
3/15	SIGNED BY PRESIDENT		
3/16	SIGNED BY SPEAKER		
3/16	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 137		

EFFECTIVE DATE: 10/01/91

SB 163 INTRODUCED BY HARP, ET AL.

PROVIDE THAT A RETAILER WHO CANCELS A RECREATIONAL
VEHICLE DEALERSHIP CONTRACT IS NOT ENTITLED
TO HAVE RETAILER'S RV INVENTORY REPURCHASED

1/21	INTRODUCED		
1/22	REFERRED TO BUSINESS & INDUSTRY		
1/22	FIRST READING		
2/01	HEARING		
2/04	COMMITTEE REPORT—BILL NOT PASSED		
2/04	ADVERSE COMMITTEE REPORT ADOPTED	45	4

SB 164 INTRODUCED BY HARP, ET AL.

CREATE DEPARTMENT OF TRANSPORTATION
BY REQUEST OF GOVERNOR

1/21	INTRODUCED		
1/22	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/22	FIRST READING		
1/22	FISCAL NOTE REQUESTED		
1/28	FISCAL NOTE RECEIVED		
1/28	FISCAL NOTE PRINTED		
1/29	HEARING		
2/02	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/04	2ND READING PASSED	40	8
2/05	3RD READING PASSED	45	4
	TRANSMITTED TO HOUSE		
2/06	FIRST READING		
2/06	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/18	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/05	2ND READING CONCURRED	91	7
4/06	3RD READING CONCURRED	82	13
	RETURNED TO SENATE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	45	0
4/10	3RD READING AMENDMENTS CONCURRED	50	0
4/13	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 512		

EFFECTIVE DATE: 7/01/91

SB 165 INTRODUCED BY HARP

INCREASE MAXIMUM ASSESSMENT IN FOREST
LAND FIRE PROTECTION DISTRICTS
BY REQUEST OF DEPARTMENT OF STATE LANDS

1/21	INTRODUCED		
1/22	REFERRED TO NATURAL RESOURCES		
1/22	FIRST READING		
1/22	FISCAL NOTE REQUESTED		
1/26	FISCAL NOTE RECEIVED		
1/28	FISCAL NOTE PRINTED		
2/01	HEARING		
2/07	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/09	2ND READING PASSED	48	0
2/11	3RD READING PASSED	45	3
TRANSMITTED TO HOUSE			
2/12	FIRST READING		
2/12	REFERRED TO NATURAL RESOURCES		
3/06	HEARING		
3/13	COMMITTEE REPORT—BILL CONCURRED		
3/16	2ND READING CONCURRED	88	4
3/23	3RD READING CONCURRED	84	15
RETURNED TO SENATE			
3/28	SIGNED BY PRESIDENT		
4/02	SIGNED BY SPEAKER		
4/02	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 360		

EFFECTIVE DATE: 4/06/91

SB 166 INTRODUCED BY JERGESON, ET AL.

ALLOW LOCAL GOVERNMENT TO ESTABLISH
EMPLOYEE INCENTIVE AWARD PROGRAM

1/21	INTRODUCED		
1/22	REFERRED TO LOCAL GOVERNMENT		
1/22	FIRST READING		
2/05	HEARING		
2/06	COMMITTEE REPORT—BILL PASSED		
2/08	2ND READING PASSED	46	0
2/09	3RD READING PASSED	47	0
TRANSMITTED TO HOUSE			
2/11	FIRST READING		
2/11	REFERRED TO LOCAL GOVERNMENT		
3/05	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/06	PLACED ON CONSENT CALENDAR		
3/08	3RD READING CONCURRED	97	0
RETURNED TO SENATE			
3/14	SIGNED BY PRESIDENT		
3/15	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 87		

EFFECTIVE DATE: 7/01/91

SB 167 INTRODUCED BY GAGE

REVISE CONTRIBUTION DEADLINE FOR PERS AND OTHER PLANS
BY REQUEST OF BOARD OF PUBLIC EMPLOYEES'
RETIREMENT

1/21	INTRODUCED		
1/22	REFERRED TO STATE ADMINISTRATION		
1/22	FIRST READING		
1/25	HEARING		
1/30	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/01	2ND READING PASSED	50	0
2/02	3RD READING PASSED	46	0

1 Senate BILL NO. 165
2 INTRODUCED BY HARP
3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM
6 ALLOWABLE FIRE PROTECTION ASSESSMENT FOR FOREST LAND IN A
7 FIRE PROTECTION DISTRICT; AMENDING SECTION 76-13-201, MCA;
8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE
9 APPLICABILITY DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 76-13-201, MCA, is amended to read:
13 "76-13-201. Duty of owner to protect against fire. (1)
14 An owner of forest land classified as such by the department
15 shall protect against the starting or existence and suppress
16 the spread of fire on that land. This protection and
17 suppression shall be in conformity with reasonable rules and
18 standards for adequate fire protection adopted by the board.

19 (2) If the owner does not provide for the protection
20 and suppression, the department may provide it at a cost to
21 the landowner of not more than 17 \$30 for each landowner in
22 the protection district and an additional 20 cents per acre
23 per year except--that--the-department-shall-make-a-minimum
24 assessment-of-up-to-\$14-per-owner-per-year for each acre in
25 excess of 20 acres owned by each landowner in each

1 protection district, as necessary to yield the amount of
2 money provided for in 76-13-207. The owner of the land shall
3 pay to the county treasurer of the county in which the land
4 is situated the charge for the same approved by the
5 department in accordance with this part and part 1.
6 (3) No other charges may be assessed those landowners
7 participating except in cases of proven negligence on the
8 part of the landowner or his agent."

9 **NEW SECTION. Section 2.** Retroactive applicability.
10 [This act] applies retroactively, within the meaning of
11 1-2-109, to calendar years beginning after December 31,
12 1989.

13 **NEW SECTION. Section 3.** Effective date. [This act] is
14 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0165, as introduced.DESCRIPTION OF PROPOSED LEGISLATION:

This bill increases the maximum allowable fire protection assessment for forest land in a fire protection district to \$30.00 for each landowner plus \$.20 per acre for each acre over 20 acres.

ASSUMPTIONS:

1. The legislature will fund the forest fire protection appropriation at 1/3 private landowner assessment and 2/3 general fund and federal funds.
2. To finance 1/3 third of the forest fire protection 1993 biennium budget the department will have to set the fees at \$21 or \$22 for each landowner and \$.17 per acre for each acre over 20.
3. The fee structure detailed in assumption #2 would reduce the general fund appropriations by \$762,111 in the 1993 biennium to the level recommended in the executive budget.

FISCAL IMPACT:Department of State Lands, Forestry Division:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>						
General Fund	3,085,648	2,699,791	(385,857)	3,076,903	2,700,649	(376,254)
Private Landowner (02)	<u>1,212,507</u>	<u>1,598,364</u>	<u>385,857</u>	<u>1,222,507</u>	<u>1,598,761</u>	<u>376,254</u>
Total	4,298,155	4,298,155	0	4,299,410	4,299,410	0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The proposed rate structure ceiling will allow budget preparation for legislative consideration without a related change in the law each session.



ROD SUNDSTED, BUDGET DIRECTOR

Office of Budget and Program Planning

DATE



JOHN G. HARP, PRIMARY SPONSOR

DATE

Fiscal Note for SB0165, as introduced1/28/91
SB 165

CHAIRMAN--LAWRENCE STIMATZ
NORMAL SCHEDULE==> SITE: ROOM 405

DAYS: M,W,F

TIME: 3:00 P.M.

SECRETARY--ROBERTA OPEL

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0018 GAGE, DEL	1/11	1/18	REVISING OIL AND GAS POOLING LAW; RESPONSIBILITY FOR MITIGATION OF DAMAGES	PASS AS AMENDED		1/24
SB0094 BECK, TOM	1/15	1/28	ESTABLISH GROUND WATER CHARACTERIZATION AND MONITORING PROGRAMS	PASS AS AMENDED		2/14
SB0114 WEEDING, CECIL	1/17	1/25	LOCAL REFERENDUM ON SITING OF A MEGALANDFILL	DO PASS		2/08
SB0133 NATHE, DENNIS	1/18	2/01	EXEMPT FROM REGULATION UNDERGROUND TANKS OF 1100 GALLONS OR LESS CAPACITY	ADVERSE RPT ADOPT		2/14
SB0136 BECK, TOM	1/18	2/13	AUTHORIZE COUNTIES TO CREATE LOCAL WATER QUALITY DISTRICTS	PASS AS AMENDED		2/21
SB0139 GROSFIELD, LORENTS	1/18	1/25	AUTHORIZE CONSERVATION DISTRICT SUPERVISORS TO INVEST ALL SURPLUS FUNDS	DO PASS		1/29
SB0165 HARP, JOHN	1/22	2/01	INCREASING MAXIMUM ASSESSMENT IN FOREST LAND FIRE PROTECTION DISTRICTS	PASS AS AMENDED		2/07
SB0193 HALLIGAN, MIKE	1/25		ESTABLISHING A FORESTRY INCENTIVES PROGRAM	TABLED		
SB0210 YELLOWTAIL JR., BILL	1/28	2/06	GEOTHERMAL RESOURCES ACT	TABLED		
SB0211 HARP, JOHN	1/28	2/08	INCREASING PENALTIES FOR WATER QUALITY ACT VIOLATIONS	PASS AS AMENDED		2/21
SB0212 BIANCHI, DON	1/28	2/15	INSTREAM FLOW ACT OF 1991	TABLED		

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Lawrence Stimatz, on February 1, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Lawrence Stimatz, Chairman (D)
Cecil Weeding, Vice Chairman (D)
John Jr. Anderson (R)
Esther Bengtson (D)
Don Bianchi (D)
Steve Doherty (D)
Lorents Grosfield (R)
Bob Hockett (D)
Thomas Keating (R)
John Jr. Kennedy (D)
Larry Tveit (R)

Members Excused: None

Staff Present: Michael Kakuk (EQC).
 Roberta Opel, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: There were no announcements.

HEARING ON SB 133

Presentation and Opening Statement by Sponsor:

Senator Nathe, District 10, presented Senate Bill 133 to the Natural Resources Committee. Nathe explained that the bill would exempt underground storage tanks that are 1,100 gallons or less in capacity from the Montana Hazardous Waste and Underground Storage Tank Act. Nathe told committee members that one of his primary reasons for creating the bill was to alleviate problems created for senior citizens who are trying to sell property and have difficulty doing so because the cost of keeping the storage tanks up to code is prohibitive for some.

\$10,000 per day, Nathe said. Nathe told committee members that he was receptive to SB 133 being changed to state that anyone with an underground tank, must replace it by 1998 and follow the new guidelines which may include an annual fee. Prior to 1987, Nathe stated, people were asked to report tanks on their property, whether they were in use or not. Some of these tanks reported could not be removed because people could not afford the removal costs.

Senator Bianchi asked Geach what the experience of DHES is regarding these tanks leaking into the groundwater. Geach responded by stating that about 400 leaks have been reported to DHES to date and roughly 14 percent have been from small ranch and residential heating oil tanks. Some of these tanks, Geach said, have caused groundwater contamination.

Senator Bianchi inquired who levied the fines? Penalties are the same as the fines levied by the Hazardous Waste Management Act, Geach told committee members.

Closing by Sponsor:

Senator Nathe told the committee that he felt they knew what the problems were with underground storage tanks and that perhaps SB 133 did not provide all the answers but stated that he was willing to work with the committee. Nathe added there were two more bills regarding underground storage tanks that would be presented to this committee.

HEARING ON SB 165

Presentation and Opening Statement by Sponsor:

Senator Harp told the committee that SB 165 was drafted at the request of the Department of State Lands is an act to increase the maximum allowed fire protection assessment for fire protection districts.

Proponents' Testimony:

Tim Murphy, Fire Management Bureau Chief for the Department of State Lands, appeared in support of SB 165. DSL was requested by the joint appropriations subcommittee in the 1989 legislative session to present a proposal to increase private landowner fees for forest fire protection. The DSL proposes that the fee be raised from \$14 to \$30, Murphy told the committee and that the per acre assessment rate be increased from the current \$0.17 maximum per acre rate to a \$.20 maximum per acre rate. The DSL is also proposing that the minimum assessment and all additional acreage over 20 acres be charged the per acre rate, Murphy said.

Mike Kopitzke, DSL, provided a chart displaying fire activity levels throughout Montana. Wildfire occurrences on properties of 20 acres or less represent a significantly higher proportion than acreage protected in those areas, Kopitzke stated. Increased residential development significantly increases the risks to human life and property, Kopitzke said. The proposed rate structure of a \$30.00 minimum and 20 cents per acre would allow the department flexibility to fund the fire program without changing the law each legislative session, Kopitzke told the committee. This was a second request of the past legislature, Kopitzke noted. This bill represents a shift from the general fund to private landowners, Kopitzke said. DSL has targeted the small landowners (20 acres or less) to be the main fire problem area.

Ed Grady, Representative from District 47, appeared in support of SB 165 because he felt that a shift of burden was needed because most of the fires seemed to be caused by or occurred close to subdivisions. The proposal will not be burdensome to any one individual, Grady reminded committee members, but will simply reportion funding.

Questions from Committee Members:

Senator Hockett asked if there were regulations on indiscriminate burning within subdivisions. Mike Kopitzke, DSL, explained that during forest fire season (May 1 through September 30), in order to have any open burning in a forested area, a burning permit must be obtained from the DSL.

Senator Grosfield questioned the cent-per-acre charge. Tim Murphy explained that the charge would be 20 cents per acre per 20 acres as requested by the amendments.

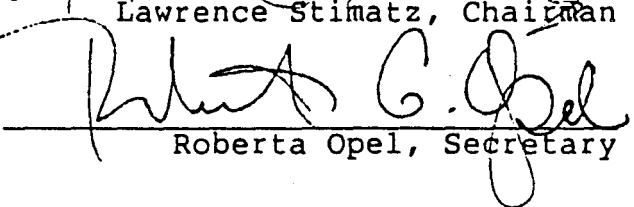
Closing by Sponsor:

Senator Harp did not provide further closing testimony.

ADJOURNMENT

Adjournment At: 4:20 pm


Lawrence Stimatz, Chairman


Roberta Opel, Secretary

LS/ro

ROLL CALL

Natural Resources COMMITTEE

2-1-91
DATE

52nd

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Anderson	✓		
Senator Bengtson	✓		
Senator Bianchi	✓		
Senator Doherty	✓		
Senator Grosfield	✓		
Senator Hockett	✓		
Senator Keating	✓		
Senator Kennedy	✓		
Senator Tveit	✓		
Vice Chairman, Weeding	✓		
Chairman, Stimatz	✓		

Each day attach to minutes.

TESTIMONY
DEPARTMENT OF STATE LANDS

PRIVATE LANDOWNER FOREST FIRE ASSESSMENTS

Introduction: The joint appropriations sub-committee during the 1989 legislative session requested that the Department of State Lands present a proposal for an increase in private landowner fees for forest fire protection. In accordance with §76-13-201, Montana Code Annotated (MCA) the current structure allows for a minimum assessment of \$14.00 per owner per protection district or \$0.17 per acre. State law (§76-13-207, MCA) requires the Department to assess the private landowner no greater than one-third of the total fire appropriation. The remaining two-thirds is funded by state and federal funds.

Background: Prior to 1977 all forest landowners were charged a flat rate per acre for 2 classes of acreage. Since it was not economical to send a bill for forest fire assessments to small landowners, many were not assessed although they received fire protection. A minimum fee to small landowners was subsequently established in 1977. The 1985 legislature approved raising the assessments of \$0.16 per acre and \$6.00 minimum to the current \$0.17 per acre \$14.00 minimum. In 1988 and 1989 the Department assessed private landowners the maximum allowed by current statute. The one-third of the appropriation requirement was not met under the present rate structure these years.

Under the present rate structure the private landowner proportion of the fire appropriation is less than one-third of the base fire appropriation by \$229,000 for FY 92 and \$218,000 for FY 93. The Department has also submitted modification to the FY 92 and FY 93 budgets. If all these modifications are approved the shortfall will be \$385,000 for FY 92 and \$376,000 for FY 93.

Proposal: The Department of State Lands proposes to the legislature that the minimum fee be raised to \$30 dollars from the current minimum of \$14.00 and that the per acre assessment rate be increased from the current \$0.17 maximum per acre rate to a \$0.20 maximum per acre rate. The Department is also proposing that the minimum fee ownership be established at 20 acres. All parcels of forested land subject to forest fire assessments fees should be charged the minimum assessment and all additional acreage over 20 be charged the per acre rate. The Department recommends any increased assessments be placed on small landowners for the following reasons.

1. Subdivision laws in the State of Montana require that all subdivisions of land comply with the Montana Subdivision and Platting Act. This act applies to parcels of land less than 20 acres. This proposal defines 20 acres as the acreage limit between minimum and per acre fees.
2. Urban development is increasing in areas threatened by wildfires. Fire occurrence surrounding these areas can be attributed to human

activity. This proposal shows that fire activity increases as a result of urban and residential development in forested areas.

3. Wildfire occurrence on properties of 20 acres or less represent a significantly higher proportion than acreage protected in those areas.
4. Value per acre of small parcels is considerably higher than value per acre on larger tracts. Small subdivided parcels usually have buildings and other improvements that increase property value. Increased residential development significantly increases the risks to human life and property.
5. In addition to assessments fees, large landowners provide assistance in suppressing wildfires. This assistance includes manpower, equipment, detection, development of water supplies, roads, etc.

The following table shows the total amount required to achieve one-third of the fire budget from private landowners:

	<u>Assessment Proportion</u>	
	<u>FY 92</u>	<u>FY 93</u>
One-third Base Level	\$1,441,648	\$1,441,290
Block 5 & Philipsburg Fire	\$ 34,426	\$ 35,170
State/County Coop Fire	\$ 21,673	\$ 21,684
Capital Equipment	\$ 42,117	\$ 42,117
Structural Fire	\$ 58,500	\$ 58,500
TOTAL	\$1,598,364	\$1,598,761

Provided each modification of the budget is approved, approximately 1.6 million dollar will be assessed private landowners. Current level budgets will not require an immediate increase to the proposed maximum allowable rates. The Department plans on a combination of a \$22.00 minimum and maintaining the 17 cents per acre the Department to generate the necessary revenue. The proposed rate structure of a \$30.00 minimum and 20 cents per acre would allow the department flexibility to fund the fire program without changing the law each legislative session.

SECRET
EXHIBIT NO. 2-1-91

DATE 2-1-91

BILL NO. 8615

2-1-91 1/25/91

BYLAWS

WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE
(As Revised January 10, 1988)

PREAMBLE

The Western States Legislative Forestry Task Force is a group of designated state legislators, whose decisions do not necessarily bind either the legislatures or state governments of their respective states, representing Alaska, California, Idaho, Montana, Oregon, Washington, and the provinces of British Columbia and Alberta which shall be associate members. Each state, by appropriate leadership, will dispatch appointed delegates to this Task Force; two delegates from its Senate and two from its House of Representatives or Assembly, plus contribution of some prorated share of funding necessary for essential actions of the Task Force and for the concomitant travel expenses of delegates.

The life and work of this Task Force are considered infinite; that is, there neither can nor should be a termination of its deliberations as long as the assurance of an adequate forest base to the West remains an issue within our nation. Individual members may come and go, as their terms of office or legislative considerations dictate, but the Task Force job of continuing contributions of public and private forests to the betterment of our country and the world must continue.

Specifically, this Task Force is charged with monitoring, on behalf of its member states, decisions of national and state executive administrations; decisions -- pending and past -- of state legislatures and of the Congress; decisions of state and federal agencies; and attitudes of all segments of society affecting the maintenance and utilization of forest lands, public and private, primarily in the West, whose fiber yield is essential to human survival, while recognizing the need to preserve and utilize a reasonable amount of our timbered land base to meet other multifaceted needs of Americans.

Finally, this Task Force is obligated to join all elements of American Society and government in actions to meet those challenges which would erode the nation's timber base for any seemingly expedient reason; to make certain that the United States will have for centuries beyond our view the productive forests to sustain its internal ecological balance, meet its recreational need, and fill its wood products demand.

1. Chair; Vice-Chair

- a. The Chair shall be elected annually to serve for a full calendar year, or until a successor is duly elected, and has such duties as the task force may authorize. Elections shall be held at the first meeting following state legislative elections. The Chair shall be rotated annually among the member states.

- b. The Vice-Chair shall be elected annually to serve for a full calendar year, or until a successor is duly elected, and has such duties as the Task Force may authorize or the Chair direct. The Vice-Chair shall be rotated annually among the member states.
- c. In the event that the Chair is no longer a Task Force member, the Vice-Chair shall serve until the next regular election.
- d. In the event that both the Chair and Vice-Chair are no longer Task Force members, a special provisional meeting of the quorum will be held to elect a new group of officers.
- e. The Chair and Vice-Chair shall not be representatives of the same state, nor shall either be able to succeed him or her self.
- f. The Chair or the Vice-Chair of the Task Force may be removed for just cause by unanimous vote of at least 12 members of the Task Force, with each state represented by at least one member.

2. Quorum

A quorum shall consist of 25% of the membership. The determination of a quorum may be challenged by any member within ten (10) days of such determination by filing such challenge in writing with the Chair of the Policy Committee. Upon such filing, the Policy Committee shall review and determine if the challenge shall be upheld. If the challenge is not upheld by the Policy Committee within ten (10) days of the filing of same, the determination of quorum present shall stand.

3. Voting

Voting shall be by an individual member but no action on a roll call vote shall be taken unless the determination of a quorum has been made and a majority of those present vote affirmatively. Written proxies may be exercised by another member from the same state. Before any final determinative vote is taken on a resolution, any member may request, and upon such request, the resolution concerned shall be reduced to a writing. Associate membership shall not possess voting privilege.

4. Meeting Notice

Notice of all meetings of the Task Force shall be sent at least 21 days in advance of the meeting.

5. Executive Director

The Executive Director shall be appointed by the Task Force from those names submitted with recommendations by the members. The

Director shall serve as Secretary of the Task Force and shall perform such duties as the Chair of the Task Force may direct. The nature of the employment will remain on an independent contractor-contractee basis. The salary and its provisions are negotiable.

6. Frequency of Meetings

Meetings shall be called at the pleasure of the Chair but the Task Force shall be convened within 21 days of the demand of a majority of the member states.

7. Fiscal

Dues and contributions from member states shall be deposited in a bank account in the name of the Task Force. The dues will be established by the formula adopted at Spokane, Washington. The Executive Director, with the concurrence of the chair shall disburse monies therefrom for necessary expenses of the Task Force. All disbursements are to be made by check with the signature of both the Chair, or Vice Chair, and the Executive Director.

Dues or contributions from associate members shall be established by negotiation with the Task Force, and shall be handled in the same manner as all other dues and contributions.

All fiscal records of the Task Force shall be annually reviewed by a certified public accountant chosen by the Chair with a concurrence of a majority of the members. A copy of all the records shall be sent to the appropriate legislative oversight committees at the end of the fiscal year, as directed by each state delegation or associate member.

8. Policy Committee

- a. The Policy Committee shall consist of a legislator from each member state designated by the delegates from each state. The Chair shall represent his/her state on the Policy Committee.
- b. The Chair of the Task Force shall be the Chair of the Policy Committee.
- c. The action of the Policy Committee shall be limited to preparing policy statements consistent with established policy positions of the Task Force in response to issues and situations requiring action in such short time as to make a full Task Force meeting impossible. The Policy Committee may direct the Executive Director to take action in name of the entire Task Force.
- d. The Policy Committee may act by mail or phone when considered necessary by the Chair of the committee, but no action shall be taken unless four members vote affirmatively.

9. Members Attendance

Should a member miss three consecutive meetings the leadership of the appropriate state House (assembly), or Senate, will be asked either to excuse the member officially or to appoint a substitute.

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION
COMMITTEE ON NATURAL RESOURCES**

Call to Order: By Lawrence Stimatz, on February 6, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Lawrence Stimatz, Chairman (D)
Cecil Weeding, Vice Chairman (D)
John Jr. Anderson (R)
Esther Bengtson (D)
Don Bianchi (D)
Lorents Grosfield (R)
Bob Hockett (D)
Thomas Keating (R)
John Jr. Kennedy (D)
Larry Tveit (R)

Members Excused: Steve Doherty (D)

Staff Present: Michael Kakuk (EQC).
Roberta Opel, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Amendments for SB 210 and SB 165 were distributed to the committee. Don MacIntyre, Department of Natural Resources and Conservation, told the committee he was available for questions.

HEARING ON SB 210

Presentation and Opening Statement by Sponsor:

Senator Bill Yellowtail, District 15, presented SB 210. This bill, Yellowtail stated, was the result of work done in the past biennium by the Environmental Quality Council (EQC) regarding geothermal groundwater. Under current law, Yellowtail stated, there are no means to protect the heat and byproduct value of geothermal resources. Modification of state water law is

EXECUTIVE ACTION ON SB 165

Motion:

Motion by Senator Grosfield to move the amendments to SB 165 carried unanimously.

Senator Bengtson made a motion to pass SB 165 as amended.

Discussion:

There was no discussion of SB 165.

Amendments, Discussion, and Votes:

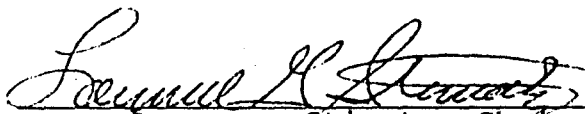
There was no discussion on adoption of the amendment to SB 165.

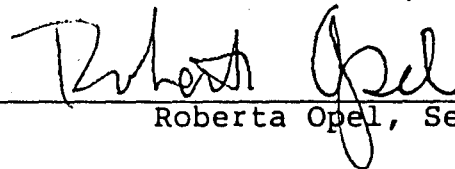
Recommendation and Vote:

The motion made by Senator Bengtson carried unanimously.

ADJOURNMENT

Adjournment At: 5:00 p.m.


Lawrence Stimatz, Chairman


Roberta Opel, Secretary

LS/ro

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 7, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration Senate Bill No. 165 (first reading copy - white), respectfully report that Senate Bill No. 165 be amended and as so amended do pass:

1. Page 1, line 22.

Following: "and"

Insert: "of not more than"

Signed: _____

Lawrence G. Stimat
Lawrence G. Stimat, Chairman

2-291
Amd. Coord.

2-291
Sec. of Senate

MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
 FINAL COMMITTEE REPORT OF REFERRED BILLS
 COMMITTEE--(H) NATURAL RESOURCES

PAGE NBR..... 129
 RUN TIME13:25
 RUN DATE.... 06/04/91

CHAIRMAN--BOB RANEY
 NORMAL SCHEDULE==>

SITE: ROOM 317

DAYS: TU,TH

TIME: 3:00 P.M.

SECRETARY-LISA FAIRMAN

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0018	2/01	2/11		CONCUR AS AMENDED		3/13
GAGE, DEL			REVISE OIL AND GAS LAWS; AUTHORIZE CERTAIN POOLING AND UNIT AGREEMENTS			
SB0094	2/18	3/12		CONCUR AS AMENDED	TAXATION	3/13
BECK, TOM			ESTABLISH GROUND WATER CHARACTERIZATION AND MONITORING PROGRAMS			
SB0099	3/04	3/19		CONCUR AS AMENDED		3/21
HARP, JOHN			PROVIDE A PREFERENCE FOR PRIVATELY OPERATED SOLID WASTE MANAGEMENT SYSTEMS			
SB0114	2/12	3/12		TABLED ON 03/12		
WEEDING, CECIL			LOCAL REFERENDUM ON SITING OF A MEGALANDFILL			
SB0136	3/04	3/14		CONCUR AS AMENDED		3/15
BECK, TOM			PROVIDE FOR ESTABLISHMENT OF LOCAL WATER QUALITY DISTRICTS			
SB0139	2/01	2/11		CONCUR		2/12
GROSFIELD, LORENTS			AUTHORIZE CONSERVATION DISTRICT SUPERVISORS TO INVEST ALL SURPLUS FUNDS			
SB0165	2/12	3/06		CONCUR		3/13
HARP, JOHN			INCREASE MAXIMUM ASSESSMENT IN FOREST LAND FIRE PROTECTION DISTRICTS			
SB0189	3/04	3/19		CONCUR AS AMENDED		4/03
BECK, TOM			GENERAL REVISION OF LOCAL GOVERNMENT SOLID WASTE MANAGEMENT LAWS			
SB0195	3/04	3/14		CONCUR AS AMENDED	RULES	4/02
BENGTSON, ESTHER			DEFINE WATER USER ENTITY			
SB0209	3/04	3/19		CONCUR AS AMENDED		3/20
YELLOWTAIL JR., BILL			REQUIRE SOLID WASTE MANAGEMENT SYSTEM BE LICENSED ANNUALLY BY DHES			
SB0211	3/04	3/14		CONCUR AS AMENDED		4/02
HARP, JOHN			INCREASE MAXIMUM PENALTIES FOR WATER QUALITY ACT VIOLATIONS			

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRMAN BOB RANEY, on March 6, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Bob Raney, Chairman (D)
Mark O'Keefe, Vice-Chairman (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
David Hoffman (R)
Dick Knox (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON SJR 10

Presentation and Opening Statement by Sponsor:

SEN. JOE MAZUREK, SD 23 - Helena, said SJR 10 urges Congress to adopt legislation authorizing the Assiniboine and Sioux tribes at the Fort Peck Indian Reservation to enter into water agreements for the delivery, use and transfer of water within or outside the reservation. In 1985, the Compact Commission entered into a pact with the tribes, quantifying reserved water rights for all time. The compromise allowed the tribe to market a portion of the water received under the pact, but Congress has not passed enabling legislation. He distributed testimony presented to the Senate Natural Resources Committee by Tribal Chairman Lawrence Wetsit.
EXHIBIT 1

that states don't compete with each other.

REP. SOUTHWORTH asked REP. COHEN if he thinks it will work. REP. COHEN said it can work. The focus in the past had been to encourage the U.S. Forest Service to sell more timber. There is a whole different direction for the task force.

REP. WANZENRIED asked if the task force is privately funded. REP. COHEN said it is funded with dues from various member states. Montana has never paid its dues.

REP. WANZENRIED asked if it is totally funded with public money. REP. COHEN said all of the funding comes from public sources. Activities such as banquets are financed by other sources.

REP. MEASURE said he is concerned about funding. He never heard of the group during his 15 years of work in the forest industry. He asked REP. COHEN what caused him to change his opinion of the group so quickly. REP. COHEN said it would help everyone understand if he could present copies of the minutes of the group's last meeting. He asked if action on the resolution could be postponed. REP. O'KEEFE said there is a motion on the table. REP. COHEN withdrew his motion.

HEARING ON SB 165

SEN. JOHN HARP, SD 4 - Kalispell, said SB 165 was requested by the Department of State Lands (DSL) and stems from last session, when it became apparent to DSL and the Appropriations Committee that the rate structure for fire protection for forest lands and fire-protection districts, particularly in western Montana, needed review.

Under current law, there is a minimum assessment of \$14 per owner or 17 cents per acre, whichever is greater. SB 165 establishes a minimum assessment for properties under 20 acres at \$30. Although it says \$30 on Line 21 of the bill, \$22 will be assessed for tracts under 20 acres. The bill establishes the \$30 figure because DSL doesn't want to have to come back to the Legislature to add dollars later. DSL wants flexibility.

The committee can choose to review the amount in later sessions. The bill states that an additional 20 cents per acre would be assessed for tracts over 20 acres. In reality, under the appropriations process, the amount would actually be 17 cents.

The retroactive section of the bill, Section 2, makes it sound like taxes would be assessed retroactively. In reality, assessments go out in 1990 and tax bills go out in 1991.

Fire protection is drafted so that no more than one-third of the cost of protecting forest lands would come from private owners. The other two-thirds comes from state and federal lands. The assessment structure shows a lot of money is spent by DSL to

fight fires on small tracts, particularly those under 20 acres that have improvements on them, such as small ranches or expensive homes.

The people who are the most vocal about needing fire protection are those in under 20-acre areas where residents are concerned about their structures. DSL is trying to address that. If nothing is done with this bill, the General Fund will have to supplement the amount that would come from private landowners. It would cost \$762,000 for the biennium.

Proponents' Testimony:

Tim Murphy, DSL Fire Management Bureau Chief, Missoula, said the main intent of the bill is to shift funding from the General Fund to private landowners. He reviewed written testimony. **EXHIBIT 6**

He reviewed charts that showed landowners of tracts of 20 acres or less represent 76 percent of the people DSL protects. They own 4 percent of the ground. Landowners of tracts of more than 20 acres represent 24 percent of the owners and 96 percent of the ground.

For a three-year average, small landowners experienced 9 percent of the lightning-caused fires; large landowners had 91 percent. Small landowners experienced 30 percent of the human-caused fires; large landowners had 70 percent.

Opponents' Testimony:

Mr. Marks, landowner, volunteer fireman from Clancy, said the bill has good and bad parts. At 17 cents per acre, he pays \$1,220 per year for the fire protection district under the DSL plan. If it is raised to 20 cents per acre, the cost will increase to \$1,435, or an additional \$220. If he has to pay 1990 tax again, it will cost \$430. In nearly every case, fires are extinguished in the State Lands Fire District area in Clancy before DSL arrives. Large landowners shouldn't have to pay 20 cents, let alone 17 cents.

Local control is better than state control. DSL cannot extinguish a fire as fast as local people can. The retroactive clause should be deleted from the bill and landowners should be able to get out of state land districts. He tried but couldn't. Landowners in the Clancy area do not feel they are getting the fire protection they should. It can't be done for 20 cents per acre and should be up to private landowners to decide if they want state fire protection. He doesn't want it.

Ms. Brooke, Montana Stockgrowers Association, said the association does not oppose the bill. Members believe it is fair and just for private landowners to pay one-third of the program cost. However, they have a problem with the fiscal note, which says DSL will set fees at \$21 or \$22 per landowner and 17 cents

per acre for each acre over 20. Association members agree they should pay for the program, but they do not support padding DSL's budget so that the agency doesn't have to come back in two years for an increase. No compelling evidence was presented to show why it would increase. She urged the committee to refer SB 165 to a subcommittee where something more reasonable can be worked out.

Questions from the Committee:

REP. MEASURE asked Mr. Murphy if the bill represents a reduction, an increase or the same assessment for large landowners. Mr. Murphy said a landowner who owns one acre pays \$14. Under the DSL proposal, they would pay \$22. A landowner who owns 20 acres pays \$14; the cost would increase to \$22. A landowner who owns 21 acres pays \$14; the cost would increase to \$22.17. A landowner who owns 1,000 acres pays \$170; they would pay \$188.66. A landowner who owns 10,000 pays \$1,700; the cost would rise to \$1718.60.

REP. HOFFMAN asked if this dealt with fiscal year (FY) 90. Mr. Murphy said the assessment is a fee for services rendered. Because of the complexity of calendar years and fiscal years, a landowner is protected in 1990 and pays the fee in 1991. Part of calendar year 1991 is in FY 92, which begins July 1, 1991.

REP. HOFFMAN said the bill goes back another six months, to the beginning of 1990, which takes in the last half of the fiscal year that has already been paid for. Mr. Murphy said landowners would only be paying half their taxes. Because there are problems with people paying taxes in the first and second half of the year, this would have to be done on a calendar year basis. This is to fund the FY 92 budget.

REP. HOFFMAN said he is concerned landowners will be assessed for calendar year 1990 and 1991 in November 1991. Mr. Murphy said that won't happen. It is just for the one year to fund the FY 92 budget.

REP. HOFFMAN asked how fire protection districts are formed. Mr. Murphy said at least 51 percent of the landowners who represent at least 51 percent of the land area must sign a petition, which is presented to the State Land Board. Boundaries are drawn up on a map based on landowner information. Fire districts also may be set up by a protection agency. REP. HOFFMAN asked Mr. Murphy if he were saying that protection districts discussed in SB 165 are determined by State Lands but voted upon by owners of timberlands. Mr. Murphy said yes.

REP. ELLISON asked how much more it costs to fight fires on small tracts versus larger ones. Mr. Murphy said a study showed it costs twice as much to respond to a fire in a 20-acre tract or subdivision area, compared to a larger tract.

REP. ELLISON asked if DSL enters cooperative agreements with fire

departments. Mr. Murphy said yes. DSL has cooperative agreements with 49 counties, and tries to work with fire councils, which represent local fire departments, to find the closest resources and the best response.

REP. ELLISON asked what kind of financial arrangement is made and if payments are based on a percentage. Mr. Murphy said Montana has approximately 400 fire departments. DSL has various agreements with either counties or individual fire departments. Financial negotiations are on a case-by-case basis. If there is a mutual-aid agreement set up, that means each agency absorbs its own costs. If a fire becomes the primary responsibility of a governmental agency, the agency will put local fire departments on the payroll.

REP. MEASURE said stock growers are concerned about the bill because it authorizes higher rates than what will be charged. He asked SEN. HARP if he considered putting a statement of intent in the bill that would address that. SEN. HARP said the committee must recognize that DSL cannot spend any money that is not authorized by the committee. The statute may show a higher rate, but the agency cannot spend money that isn't approved by the committee. DSL is a fiscally conservative agency. The rate structure is aimed at where costs are, and that is the small landowner. Large landowners are being treated very fairly in this bill. He doesn't understand the fear.

Mr. Marks said volunteer fire departments are disappearing. Landowners in the Clancy area have gone to a fee system. They each pay \$35. The state puts \$22 on top of that and the local fire department is taking care of almost all of the small fires. DSL doesn't get there until it is over. Landowners are being assessed twice. There needs to be clarification on whether this addresses rangeland or timberland. If the money is put in there, it will be spent.

REP. HOFFMAN said existing law says that if the owner does not provide for fire protection and suppression, the Department may assess a fee. A landowner like Mr. Marks, who is already in a rural fire district that apparently is being protected adequately, still has to pay the fee. The existing law mandated anyone within a fire protection district to pay \$14. That language has been eliminated. It is all permissive now. He asked if Mr. Marks will still have to pay the fee if he is adequately covered. Mr. Marks said yes. Approximately 10 years ago, 51 percent of the landowners in Mr. Marks' forest fire protection district who owned at least 51 percent of the land signed a petition requesting fire protection and to set up a fire district.

REP. HOFFMAN asked if those landowners would no longer have to pay the fee if they signed a petition rejecting the district and were adequately covered by the rural fire department. Mr. Murphy said DSL's attorney said the only way to dissolve a forest fire

district is for 51 percent of the landowners representing 51 percent of the land to vote to dissolve the district.

REP. HOFFMAN asked if they would get out of paying the fee under this statute if that happened. Mr. Murphy said yes.

Closing by Sponsor:

SEN. HARP urged support.

EXECUTIVE SESSION

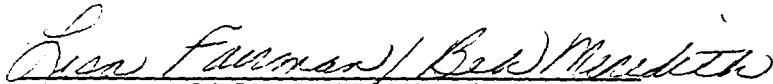
REP. O'KEEFE asked REP. COHEN if he wanted to refer HB 906 and HB 476 to the Taxation Committee. REP. COHEN said he can't answer that, but the committee usually doesn't take executive action on bills the same day they are heard. He asked if REP. O'KEEFE wanted to take action. REP. O'KEEFE said his note from REP. RANEY says the committee should take action if it is comfortable doing so. He feels the committee is not comfortable taking action now so he will postpone it. He asked if the committee is comfortable taking action with SB 165. REP. GILBERT said he would prefer to wait a day to allow DSL and livestock people to work on the bill.

ADJOURNMENT

Adjournment: 7 p.m.



REP. BOB RANEY, Chairman



LISA FAIRMAN, Secretary

BR/lf

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRPERSON BOB RANEY, on March 12, 1991, at
3:00 p.m.

ROLL CALL

Members Present:

Bob Raney, Chairman (D)
Mark O'Keefe, Vice-Chairman (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
David Hoffman (R)
Dick Knox (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Members Absent: Orval Ellison (R)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

HEARING ON SB 94

Presentation and Opening Statement by Sponsor:

SEN. THOMAS BECK, SD 24, Deer Lodge, said the Environmental Quality Council (EQC) conducted a major study under SJR 22 to determine groundwater assessment options in Montana. No one knows how much groundwater exists and what is being done to it. It is virtually impossible to clean up pollutants if they enter groundwater. This bill would launch a groundwater monitoring program in the state. It is needed by agriculture, municipalities and all Montanans. The state must protect its groundwater.

Pam Langley, Montana Agricultural Business Association, Montana Grain Elevator Association, Montana Seed Trades Association and the Pacific Northwest Grain and Feed Association, was not present for the hearing but submitted written testimony. **EXHIBIT 8**

Opponents' Testimony:

Leo Berry, Burlington Northern Railroad, said there are legal and constitutional problems with this type of legislation that involve due process and impairment of contract. BN has fundamental concerns with the other bill, HB 233, but has agreed to live with it.

This bill goes a step further by inserting a new subsection on Page 2, Line 19, that provides leaseholders with additional rights. He believes SEN. THAYER's concerns are addressed by HB 233. Under that bill, the railroad may not sell or offer for sale any interest in the leased land, or dispossess the leaseholder without giving that leaseholder the right of first refusal. HB 233 addresses future sales.

BN tried to resolve as many problems as possible in the bill. Each time attempts are made to legislate additional provisions into the contracts, the legislation gets further away from something BN can live with. For that reason, BN opposes SB 455.

Questions from Committee Members:

REP. MEASURE asked if subsection 2 of Section 2 on Page 2 is the only addition to the bill originally offered by REP. BARDANOUVE. SEN. THAYER said he believes so. He did not check the bill against the House bill, but he believes it is essentially the same in other respects. Mr. Berry said he believes the section is the only substantive change to the original bill. Paul Sihler, EQC, said he would be happy to compare the two bills before executive action is taken.

Closing by Sponsor:

SEN. THAYER said he understands BN's opposition. He appreciates the effort BN has taken to remedy these problems. While Mr. Berry says the language in the House bill addresses leaseholder problems and the first right of refusal, it doesn't take into account what has already happened. The Legislature has an obligation to constituents to try to right wrongs that have been made.

EXECUTIVE ACTION ON SB 165

Motion: REP. MEASURE MOVED SB 165 BE CONCURRED IN.

Discussion: REP. O'KEEFE said Steve Marks talked about getting out of the district. DSL explained how it saw them getting out of the district. He asked if that provision exists anywhere in law.

Dennis Casey, DSL Commissioner, said he doesn't know. That was a legal opinion.

REP. O'KEEFE said his only concern with the bill is that landowners have a legitimate complaint that they may be taxed twice for fire protection. It is important that landowners have a way to get out the wildland fire protection with DSL. The committee needs something definite from DSL that will explain how the process works. Mr. Casey said he would check on it to see if it is in statute. REP. RANEY asked REP. O'KEEFE if he could satisfy his problem on the House floor if necessary. REP. O'KEEFE said he believed so. He is concerned about agricultural users.

Mr. Casey said DSL told stock growers that the agency will go to the Board of Land Commissioners and adopt rules to set the fee at \$22.17 per acre. That will give people the opportunity to go to the Board of Land Commissioners and through the appropriations process to make their desires known, if the fee needs to be changed in the future.

REP. FOSTER asked if stock growers are happy with the arrangement. Mr. Casey said yes.

Vote: SB 165 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 199

Motion: REP. O'KEEFE MOVED HB 199 DO NOT PASS.

Discussion: REP. FAGG said he would prefer to table the motion so that REP. GILBERT would have an option to discuss the issue further when he returns to the hearing.

Motion/Vote: REP. FAGG MADE A SUBSTITUTE MOTION THAT HB 199 BE TABLED. Motion carried 13-4, with Reps. Knox, Foster, Gilbert and Hoffman voting no.

EXECUTIVE ACTION ON HB 247

Motion: REP. O'KEEFE MOVED HB 247 DO NOT PASS.

Discussion: REP. O'KEEFE said the Taxation Committee distributed a funding mechanism for the conservation district to allow mills to be raised to fund the needs of the district.

REP. RANEY said that to do this, either the coal tax must be increased from 15 percent to 16 percent, or entities that presently get coal tax money will lose a little of it.

REP. O'KEEFE said that once this issue is opened up on the House floor, anyone can seek percentage increases through an amendment. The committee would have no control over it. The House, Senate Natural Resources Committee and full Senate would have a shot at it. There would no longer be a distribution mechanism that looks

1115
3-13-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 13, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that Senate Bill 165 (third reading copy -- blue) be concurred
in .

Signed: Bob Raney
Bob Raney, Chairman

Carried by: Rep. [Signature]

1 SENATE BILL NO. 165

2 INTRODUCED BY HARP

3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM
6 ALLOWABLE FIRE PROTECTION ASSESSMENT FOR FOREST LAND IN A
7 FIRE PROTECTION DISTRICT; AMENDING SECTION 76-13-201, MCA;
8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE
9 APPLICABILITY DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 76-13-201, MCA, is amended to read:

13 **"76-13-201. Duty of owner to protect against fire. (1)**

14 An owner of forest land classified as such by the department
15 shall protect against the starting or existence and suppress
16 the spread of fire on that land. This protection and
17 suppression shall be in conformity with reasonable rules and
18 standards for adequate fire protection adopted by the board.

19 (2) If the owner does not provide for the protection
20 and suppression, the department may provide it at a cost to
21 the landowner of not more than ±7 \$30 for each landowner in
22 the protection district and OF NOT MORE THAN an additional
23 20 cents per acre per year except-that-the-department-shall
24 make-a-minimum-assessment-of-up-to-±4-per--owner--per--year
25 for each acre in excess of 20 acres owned by each landowner

1 in each protection district, as necessary to yield the
2 amount of money provided for in 76-13-207. The owner of the
3 land shall pay to the county treasurer of the county in
4 which the land is situated the charge for the same approved
5 by the department in accordance with this part and part 1.

6 (3) No other charges may be assessed those landowners
7 participating except in cases of proven negligence on the
8 part of the landowner or his agent."

9 NEW SECTION. **Section 2.** Retroactive applicability.

10 [This act] applies retroactively, within the meaning of
11 1-2-109, to calendar years beginning after December 31,
12 1989.

13 NEW SECTION. **Section 3.** Effective date. [This act] is
14 effective on passage and approval.

-End-

REFERENCE BILL